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HONORABLE REBECCA L. PENNELL

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

RENATA S. MOON, an individual,

Plaintiff,

v.

WASHINGTON STATE UNIVERSITY, et
al.,

Defendants.

No.: 2:24-cv-00327-RLP

**JOINT STATUS
REPORT**

I. INTRODUCTION

Pursuant to the Court's Order Setting Scheduling Hearing, dated March 28, 2025 (ECF 26) the Parties met and conferred on April 16, 2025, to discuss a Joint Status Report for the Matter. The ensuing Report memorializes the Parties' agreement and understanding of the case and ensuing matters and provides separate sections where the parties disagree on controlling matters. Plaintiffs were

1 represented by S. Peter Serrano and Karen L. Osborne; Defendants were represented
2 by Paul Lawrence and Luther Reed-Caulkins.

3 The following summarizes the topics the parties discussed, and agreements
4 reached during the April 16, 2025, discussion. The parties request that the Court
5 issue a scheduling order setting the deadlines proposed by the parties below, or, if
6 the Court deems it necessary, set a scheduling conference.

7 **1. Consent to U.S Magistrate.**

8 The Parties do **not** consent to a Magistrate; Plaintiffs emailed the declination
9 form to the Court on April 29, 2025, to the following address:
10 consentforms@waed.uscourts.gov.

11 **2. Jurisdiction and Venue.**

12 Jurisdiction and venue exist under 28 U.S.C. §§ 1331 and 1343.

13 **3. Whether Service has been Completed.**

14 Service has been completed.

15 **4. Plaintiff's Description of the Claims.**

16 Plaintiff alleges wrongful termination for violation of her First Amendment
17 rights of Freedom of Speech, Right to Petition and Assembly and violation of her
18 right to Equal Protection and Due Process of law. Plaintiff asserts violation of her
19 Washington State protected right to Free Speech under Article I, Section V of the
20 Washington State Constitution. Plaintiff asserts Defamation associated with the

1 allegations that Plaintiff spread “misinformation and disinformation about
2 the COVID-19 mRNA vaccinations.”

3 **5. Defendants’ Description of Defenses.**

4 Defendants describe their defenses as follows:

- 5 • As to Plaintiff’s First Amendment claims, Defendants are not liable
6 because, inter alia, (1) Defendants did not take any employment action
7 with respect to Plaintiff on the basis of her First Amendment protected
8 expression, (2) any employment actions Defendants took with respect
9 to Plaintiff would have occurred notwithstanding any expressive
10 activity in which she engaged, (3) any employment actions Defendants
11 took with respect to Plaintiff were justified by a government interest
12 that outweighed Plaintiff’s interest in the expression at issue; and (4)
13 Plaintiff’s speech within the scope of her government employment is
14 not protected by the First Amendment.
- 15 • As to Plaintiff’s equal protection claim, Defendants are not liable
16 because, inter alia, (1) Plaintiff’s claim fails for the same reasons as her
17 First Amendment claims, (2) Plaintiff was not treated differently due to
18 her membership in a suspect or quasi-suspect class, and (3) as to those
19 Defendants who took employment action with respect to Plaintiff, those
20 Defendants had a rational basis for doing so.

1 • As to Plaintiffs’ due process vagueness and defamation claims,
2 Defendants are not liable because, inter alia, (1) Plaintiff was not
3 subject to adverse employment action pursuant to any allegedly vague
4 policies, (2) WSU’s policies were not unconstitutionally vague, (3)
5 Plaintiff lacked a due process property or liberty interest in the renewal
6 of her employment contract, and (4) Defendants did not defame
7 Plaintiff.

8 • As to Plaintiff’s state constitutional claims, Defendants are not liable,
9 inter alia, (1) for the same reasons her First Amendment claims fail and
10 (2) because the Washington Constitution does not create a private cause
11 of action for damages.

12 • In addition, Plaintiff’s claims are barred in whole or in part by qualified
13 immunity and fail as to any individual Defendants who did not
14 personally participate in the conduct on which Plaintiff’s claims are
15 predicated.

16 **6. Whether a statute’s constitutionality is being challenged.**

17 No such challenge is raised.

18 **7. Whether the matter may be pursued as a Class Action.**

19 No Class Action allegations are raised.

20 **8. Whether any issues should be certified to a state supreme court.**

The Parties believe that no issues should be certified to a state supreme court.

9. Suggested deadline for amending the pleadings.

See Proposed Schedule, below in Section 19.

10.Suggested deadline for adding parties.

See Proposed Schedule, below in Section 19.

11.Whether the case involves a minor or incompetent party.

No such claims exist.

12.Discovery.

A-H: All discovery scheduling information is provided in the Proposed Schedule, below in Section 19.

13.Proposed Protective Orders/Confidentiality Matters.

No such claims exist.

14.Anticipated motions and suggested dispositive motion filing deadline.

See Proposed Schedule, below in Section 19.

15.Trial Matters.

A. A Jury Trial has been requested.

B. The Parties agree that, if possible, the trial commence on June 1, 2026.

C. The Parties agree that trial duration should be scheduled for eight (8) days.

D. The Parties do not request bifurcation of any matters at this time.

1 E. The Parties do not have specific technological requests at this time. The
2 Parties agree to apprise the court of such needs as soon as they are known to
3 the requesting Party, but no less than 14 calendar days prior to commencement
4 of trial.

5 **16.Mediation.**

6 A. The Parties suggest referral to a magistrate to occur no sooner than 30
7 days after the Court issues an Order on dispositive motions.

8 B. The Parties have not made efforts to settle matter to date.

9 C. The Parties foresee no barriers to productive mediation at this time.

10
11 **17.Other Matters**

12
13 The Parties have no other matters, including limitations on issues at this time.
14
15

16 **18.Trial Counsel Contact Information**

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18 For Plaintiffs:

19
20 Simon Peter Serrano, WSBA# 54769
21 Karen L. Osborne, WSBA# 51433
22 Silent Majority Foundation
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For Defendants:

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19. Proposed Schedule

Consistent with the Court's Order Setting Scheduling Hearing (ECF 26), the Parties offer the following proposed schedule.

EVENT	PLAINTIFFS' PROPOSED DEADLINE	DEFENDANTS' PROPOSED DEADLINE
Expert Disclosures	October 14, 2025	October 14, 2025
Rebuttal Expert Disclosures	November 13, 2025	November 13, 2025
Motion to Amend	November 3, 2025	November 3, 2025
Motion to Add Parties	November 3, 2025	November 3, 2025
Daubert Motions	November 21, 2025	January 12, 2026
Discovery Cutoff	January 12, 2026	January 30, 2026
Dispositive Motions	January 20, 2026	February 13, 2026
Hearing on Deposition Designations	April 20, 2026	April 20, 2026
Cross Designations	May 4, 2026	May 4, 2026
Objection to Designations	May 11, 2026	May 11, 2026
Exhibit/ Witness List	April 27, 2026	April 27, 2026

EVENT	PLAINTIFFS' PROPOSED DEADLINE	DEFENDANTS' PROPOSED DEADLINE
Objections to Exhibit/ Witness	May 4, 2026	May 4, 2026
Response to Exhibit/ Witness Objections	May 11, 2026	May 11, 2026
Motion in Limine	April 20, 2026	April 20, 2026
Response to Motion in Limine		April 26, 2026
Reply to Motion in Limine	May 4, 2026	May 4, 2026
Pre Trial Order	May 11, 2026	May 11, 2026
Trial Briefs/ Voir Dire	May 7, 2026	May 7, 2026
Jury Instructions	May 7, 2026	May 7, 2026
Objections to Jury Instructions	May 7, 2026	May 7, 2026
Pretrial Conference/ Motion in Limine Hearing	May 18, 2026	May 18, 2026
Trial	June 1 – 8, 2026	

STIPULATED TO, DATED AND RESPECTFULLY SUBMITTED this 29th
day of April 2025.

BY: /s/Simon Peter Serrano
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CERTIFICATE OF SERVICE

I hereby certify that on April 29, 2025, I electronically filed the foregoing document with the Clerk of the United States District Court using the CM/ECF system which will send notification of such filing to all parties who are registered with the CM/ECF system.

DATED this 29th day of April 2025.

/s/ S. Peter Serrano
S. Peter Serrano